IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 8851 of 2004

Between:

1 Mohd. Ghousuddin, S/o. Md. Giyasuddin,
R/o. 20-7-240/14/A, Qazipura, Hyderabad.
2 Mohd. Abid, S/o. Mohd. Yousuf,
R/o. 2-70, Moin Mohalla, Shamsabad, Ranga Reddy District.
3 Galib Bin Abood Bin Aslam, S/o. Abood Bin Aslam,
R/o. 23-3-117, Sultan Shahi, Hyderabad.
4 Smt. Zaheda Khatoon, W/o. Mohd. Abid,
R/o. 2-70, Moin Mohalla, Shamsabad, Ranga Reddy District.
5 Abood Bin Aslam, S/o. Aslam Bin Saleh,
R/o. 23-3-118, Sultan Shahi, Hyderabad.
6 Syed Ghouse, S/o. Syed Meer,
R/o. 19-2-29/A/39, Model Town Colony,
Jahanumaa, Hyderabad.
7 Habeeb Abdullah, S/o. Habeeb Jaffer,
R/o. 8-14-25/15, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.
8 Zeenath Khatoon, W/o. Ahmed Hussain,
R/o. 8-14-25/1, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.
9 Mir Sujath Ali, S/o. Mir Hasham Ali,
R/o. 8-14-25/15/A, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.
10 Mahmooda Banu, W/o. Md. Osman Quraishi,
R/o. 8-14-17/1, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.
11 Mohd. Osman Quraishi, S/o. M.A. Kaleem,
R/o. 8-14-25/16/4, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.
12 Mir Anwar Ali, S/o. Mir Ahmed Ali,
R/o. 8-14-25/14, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.
13 Ameen Pasha, S/o. Ghani Pasha,
R/o. 8-14-25/13, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.
14 Mubeen Pasha, S/o. Ghani Pasha,
R/o. 8-14-25/13/A, Mailardevpally, Rajendranagar Mandal, Ranga Reddy

District.

15 Mohd. Taskeen, S/o. Miskeen,
R/o. 8-14-25/A, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.

16 Abdul Kareem Khan, S/o. Sikander Khan,
R/o. 8-14-25/D, Mailardevpally, Rajendranagar Mandal, Ranga Reddy District.

..... PETITIONER(S)

AND

Hyderabad Urban Development Authority, Rep by its Vice Chairman & Managing Director,
Paigah Palace, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the acts of the respondent in attempting to interfere into the petitioners peaceful possession and dispossessing them from their plots of land in Sy.NO. 34/1 and 2 totally admeasuring 4.00 acres at Bum Reknuddoula Village, Mandal Rajendranagar District R.R. and blocking their way and free access thereto, by fencing their boundaries and by putting iron rods around, to deprive them from their legitimate rights of their property, as illegal, arbitrary and violative of natural justice, and consequently direct them to refrain there from.

Counsel for the Petitioner:MR.MOHD ZAFRULLAH (Not present)

Counsel for the Respondent: Vishwanath Reddy, SC for HUDA (Not present)

The Court made the following :

ORDER:

None appears on either side.

I have gone through the record.

Petitioners claiming to be in possession of the land in S.No. 34/1 and 2 at Bum Ruknuddoula Village, Rajendranagar Mandal, Rangareddy District.

Earlier petitioners filed Writ Petition Nos. 26015/99, 3353/2000 and 1218 of 2000 against the Secretary, Revenue Department, the District Collector, Ranga Reddy District and the SHO PS Bahadurpura Hyderabad not to interfere with their peaceful possession and they obtained an order not to dispossess them from their land in S.No. 34/1. While so, the respondent under the instructions of HUDA attempted to interfere with the peaceful possession of the petitioners and they were

trying to block their way and free access to their lands by fencing their boundaries and putting iron rods around, to deprive the petitioners from their lawful rights protected in the above Writ Petitions. Therefore, the present Writ Petition has been filed.

It is stated that the HUDA officials are fencing the land of the petitioners to block their way and free access to their lands. It cannot be presumed that merely because respondent officials are fencing the land belonging to them they would not follow the due procedure of law for eviction of the petitioners.

In view of the above, if the petitioners have to be dispossessed from the suit schedule property by the HUDA officials, it is needless to observe that the petitioners should be put on notice. Without following such of the procedure, the petitioners cannot be evicted from their land.

With the above observation, the Writ Petition is accordingly disposed of. No costs.

Ka 10.09.2004.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice-Chairman and Managing Director, Hyderabad Urban Development Authority, Paigah Palace, Secunderabad.

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